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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
	:	
DPH HOLDINGS CORP., <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	
Reorganized Debtors.	:	(Jointly Administered)
	:	
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**ORDER ESTABLISHING PROCEDURES GOVERNING
THE RESOLUTION OF ENVIRONMENTAL CLAIM NUMBERS 15785, 18956, 19539,
AND 19786 AND ALL OTHER ENVIRONMENTAL ISSUES AT THE SITES OWNED
BY THE REORGANIZED DEBTORS**

(“ENVIRONMENTAL CLAIMS AND ISSUES PROCEDURE ORDER”)

Pursuant to ¶ 5 of this Court’s August 6, 2013 Order Pursuant to 11 U.S.C. §§ 105, 305(a), and 1142, Fed R. Bankr. P. 3022 and Local Bankr. R. Rule 3022-1 Concerning Closing the Bankruptcy Cases and Providing Related Relief, the Reorganized Debtors, the Michigan Department of Environmental Quality, the U.S. Environmental Protection Agency, (together with the Ohio Environmental Protection Agency, “the “Environmental Agencies”), Stipulate and Agree and it is hereby

FOUND AND DETERMINED THAT:

The Reorganized Debtors and Environmental Agencies (collectively, the “Parties”) shall comply with the following timeline and procedures for the litigation of the issues addressed in Claim numbers 15785, 18956, 19539, and 19786 at the sites owned by the Reorganized Debtors in Rootstown, Ohio; Flint, Michigan; and Saginaw, Michigan (the “Environmental Sites”):

Pleadings and Discovery

1. No later than September 6, 2013, the Reorganized Debtors shall file, and serve upon the Environmental Agencies, a Notice of Claims Objection, together with a written statement of disputed issues.
2. No later than September 16, 2013, the Environmental Agencies shall file, and serve upon the Reorganized Debtors, a response to the Notice of Claims Objection and a statement of disputed issues. The Environmental Agencies reserve the right to raise any issue related to an Environmental Site. The Reorganized Debtors reserve the right to object to any issues related to an Environmental Site raised by the Environmental Agencies.
3. The Parties shall serve their written discovery requests no later than September 13, 2013. Responses to such discovery shall be served no later than September 30, 2013. With respect to such discovery, the following limitations apply for each Environmental Site:
 - (a) No more than 8 interrogatories, 10 requests for production of documents and 10 requests for admission shall be served per side;
 - (b) No more than three (3) depositions upon oral examination may be noticed and taken per side, not counting the depositions of any proposed expert witnesses or those taken pursuant to Fed. R. Civ. P. 30(b)(6);
 - (c) No more than three (3) 30(b)(6) depositions may be taken per side, including any of third party witnesses pursuant to Fed. R. Civ. P. 45.
4. The Parties shall disclose the names of their proposed fact witnesses by September 16, 2013.
5. Fact depositions shall be completed no later than October 16, 2013.
6. For each expert witness, the Parties shall produce pre-trial disclosures in accordance with Federal Rule of Civil Procedure 26(a)(3), and additional disclosures in accordance with Federal Rule of Civil Procedure 26(a)(2), no later than October 25, 2013.
7. All expert depositions shall be completed no later than November 4, 2013.

8. The Parties shall exchange copies of all exhibits to be offered or used at the November hearing no later than November 7, 2013.
9. The Parties shall each file a pre-trial brief (with a hard copy delivered to chambers), not to exceed 30 pages in length, no later than November 7, 2013.
10. The Parties shall each file and serve (with a hard copy delivered to chambers) affidavits of proposed direct testimony no later than November 7, 2013. All direct testimony will be adduced in affidavit or declaration form, with live cross-examination and re-direct.

November 14, 2013 Hearing

Subject to the Court's approval, the Parties stipulate and agree that:

1. Each side shall be entitled to present the affidavits of proposed direct testimony of no more than six (6) witnesses, including experts.
2. At its discretion, the Court may authorize each side no more than one hour to present in person direct testimony at the hearing of one expert witness whose qualifications have been otherwise established through the filing of an affidavit of proposed direct testimony. Neither party is required to lay the foundation of their expert's testimony at the hearing.
3. Each side shall have no more than 45 minutes to make an opening statement and no more than 75 minutes to make a closing argument.
4. The hearing shall be no longer than three (3) days in duration.

These procedures shall be subject to revision by the Court upon application by either party and good cause shown.

Dated: Washington, D.C.
August 30, 2013

DPH Holdings Corp., et al.,
By their Attorneys
JONES DAY
By:

/s/ Daniella A. Einik
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Dated: New York, New York
August 30, 2013

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By:

/s/ Cristine I. Phillips
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Dated: Lansing, Michigan
August 30, 2013

BILL SCHUETTE
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By:

/s/ Celeste R. Gill
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SO ORDERED:

this 30th of August, 2013
in White Plains, New York

/s/Robert D. Drain
HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE